



General Assembly

Amendment

January Session, 2007

LCO No. 7489

HB0708707489HDO

Offered by:

REP. LAWLOR, 99th Dist.

REP. STONE, 9th Dist.

REP. GREENE, 105th Dist.

SEN. CALIGIURI, 16th Dist.

To: Subst. House Bill No. 7087

File No. 554

Cal. No. 86

"AN ACT CONCERNING METHAMPHETAMINES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 21a-240 of the general statutes is amended by
4 adding subdivision (59) as follows (*Effective October 1, 2007*):

5 (NEW) (59) "Methamphetamine-type substances" means
6 methamphetamine and structural analogues, including, but not limited
7 to, methylenedioxymethamphetamine (MDMA) and other substituted
8 phenylethylamine compounds, their salts, isomers and salts of isomers
9 and chemical compounds which are similar thereto in chemical
10 structure or which are similar thereto in physiological effect, and
11 which show a like potential for abuse or which are controlled
12 substances under this chapter, unless modified.

13 Sec. 2. Section 21a-277 of the general statutes is repealed and the
14 following is substituted in lieu thereof (*Effective October 1, 2007*):

15 (a) Any person who manufactures, distributes, sells, prescribes,
16 dispenses, compounds, transports with the intent to sell or dispense,
17 possesses with the intent to sell or dispense, offers, gives or
18 administers to another person any controlled substance which is (1) a
19 hallucinogenic substance other than marijuana, [or] (2) a narcotic
20 substance, or (3) a methamphetamine-type substance, except as
21 authorized in this chapter, for a first offense, shall be imprisoned not
22 more than fifteen years and may be fined not more than fifty thousand
23 dollars or be both fined and imprisoned; and for a second offense shall
24 be imprisoned not more than thirty years and may be fined not more
25 than one hundred thousand dollars, or be both fined and imprisoned;
26 and for each subsequent offense, shall be imprisoned not more than
27 thirty years and may be fined not more than two hundred fifty
28 thousand dollars, or be both fined and imprisoned.

29 (b) Any person who manufactures, distributes, sells, prescribes,
30 dispenses, compounds, transports with intent to sell or dispense,
31 possesses with intent to sell or dispense, offers, gives or administers to
32 another person any controlled substance, except [a narcotic substance,
33 or] (1) a hallucinogenic substance other than marijuana, (2) a narcotic
34 substance, or (3) a methamphetamine-type substance, except as
35 authorized in this chapter, may, for the first offense, be fined not more
36 than twenty-five thousand dollars or be imprisoned not more than
37 seven years or be both fined and imprisoned; and, for each subsequent
38 offense, may be fined not more than one hundred thousand dollars or
39 be imprisoned not more than fifteen years, or be both fined and
40 imprisoned.

41 (c) No person shall knowingly possess drug paraphernalia in a drug
42 factory situation, as defined by subdivision (20) of section 21a-240, for
43 the unlawful mixing, compounding or otherwise preparing any
44 controlled substance for purposes of violation of this chapter. Any
45 person who violates the provisions of this subsection may, for the first

46 offense, be fined not more than one thousand dollars or be imprisoned
47 not more than two years, or be both fined and imprisoned, except that
48 if such drug paraphernalia is for the unlawful mixing, compounding
49 or otherwise preparing a methamphetamine-type substance, such
50 person may be fined not more than five thousand dollars or be
51 imprisoned not more than five years, or be both fined and imprisoned.
52 Any person who violates the provisions of this subsection may, for a
53 subsequent offense, be fined not more than ten thousand dollars or be
54 imprisoned not more than ten years, or be both fined and imprisoned.

55 (d) As an alternative to the sentences specified in subsections (a)
56 and (b) of this section, the court may sentence the person to the
57 custody of the Commissioner of Correction for an indeterminate term
58 not to exceed three years or the maximum term specified for the
59 offense, whichever is the lesser, and, at any time within such
60 indeterminate term and without regard to any other provision of law
61 regarding minimum term of confinement, the Commissioner of
62 Correction may release the convicted person so sentenced subject to
63 such conditions as he may impose including, but not limited to,
64 supervision by suitable authority. At any time during such
65 indeterminate term, the Commissioner of Correction may revoke any
66 such conditional release in his discretion for violation of the conditions
67 imposed and return the convicted person to a correctional institution.

68 Sec. 3. Subsection (a) of section 21a-278 of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective*
70 *October 1, 2007*):

71 (a) Any person who manufactures, distributes, sells, prescribes,
72 dispenses, compounds, transports with the intent to sell or dispense,
73 possesses with the intent to sell or dispense, offers, gives or
74 administers to another person one or more preparations, compounds,
75 mixtures or substances containing an aggregate weight of one ounce or
76 more of heroin or methadone or an aggregate weight of one-half ounce
77 or more of cocaine or one-half ounce or more of cocaine in a free-base
78 form, or an aggregate weight of fifty grams or more of

79 methamphetamine, or a substance containing five milligrams or more
80 of lysergic acid diethylamide, except as authorized in this chapter, and
81 who is not, at the time of such action, a drug-dependent person, shall
82 be imprisoned for a minimum term of not less than five years or more
83 than twenty years; and, a maximum term of life imprisonment. The
84 execution of the mandatory minimum sentence imposed by the
85 provisions of this subsection shall not be suspended, except the court
86 may suspend the execution of such mandatory minimum sentence if at
87 the time of the commission of the offense (1) such person was under
88 the age of eighteen years, or (2) such person's mental capacity was
89 significantly impaired, but not so impaired as to constitute a defense to
90 prosecution.

91 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) There is established an
92 account to be known as the "methamphetamine laboratory clean-up
93 account" which shall be a separate, nonlapsing account within the
94 General Fund. The account may contain any moneys required by law
95 to be deposited in the account. Any balance remaining in the account
96 at the end of any fiscal year shall be carried forward in the account for
97 the next fiscal year. All moneys deposited in the account shall be used
98 for the purposes of this section.

99 (b) The court, when sentencing a defendant convicted of an offense
100 involving the manufacture of a methamphetamine-type substance, as
101 defined in section 21a-240 of the general statutes, as amended by this
102 act, shall order the defendant to reimburse the state for the costs
103 incurred for any clean-up associated with the manufacture of such
104 methamphetamine-type substance by the defendant.

105 (c) All moneys reimbursed to the state pursuant to subsection (b) of
106 this section shall be deposited in the methamphetamine laboratory
107 clean-up account established in subsection (a) of this section. The
108 Commissioner of Environmental Protection shall have the authority to
109 authorize expenditures from said account to reimburse any state or
110 municipal agency for costs associated with cleaning to proper
111 environmental standards any site where a methamphetamine-type

112 substance was manufactured.

113 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) Any person who sells or
114 offers for sale at retail any drug product or combination of drug
115 products containing ephedrine, pseudoephedrine or
116 phenylpropanolamine, or their salts, isomers or salts of isomers, shall:
117 (1) Store such drug product or combination of drug products in a
118 location that is inaccessible to consumers, and (2) require consumers to
119 request and purchase such drug product or combination of drug
120 products at the counter.

121 (b) A person who sells or offers for sale at retail any drug product or
122 combination of drug products pursuant to subsection (a) of this section
123 shall maintain a log book. The log book shall contain: (1) The signature
124 of the purchaser of the product, (2) the name of the purchaser of the
125 product, (3) the address of the purchaser of the product, (4) the date of
126 the purchase, (5) the time of the purchase, (6) the name of the seller, (7)
127 the name of the product purchased, and (8) the quantity of the product
128 purchased. The seller shall maintain the log book for not less than two
129 years after the date the last entry is made in the log book. The seller
130 shall obtain positive identification of the purchaser to verify the
131 information provided by the purchaser in the log book. The provisions
132 of this subsection shall not apply to the purchase of a single package
133 containing not more than sixty milligrams of pseudoephedrine.

134 (c) A person who sells or offers for sale at retail any drug product or
135 combination of drug products pursuant to subsection (a) of this section
136 shall maintain a self certification that all individuals who are
137 responsible for the delivery of such drug products to purchasers or
138 who deal directly with purchasers by obtaining payments for such
139 drug products have completed training provided by the seller to
140 ensure such individuals understand the requirements of this section.

141 (d) No person shall purchase, receive or otherwise acquire more
142 than three and six-tenths grams per day or more than nine grams
143 during a thirty-day period of any drug product or combination of drug

144 products containing ephedrine, pseudoephedrine or
145 phenylpropanolamine, or their salts, isomers or salts of isomers.

146 (e) A person who sells or offers for sale at retail any drug product or
147 combination of drug products pursuant to subsection (a) of this section
148 shall comply with applicable federal laws and regulations."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	21a-240
Sec. 2	<i>October 1, 2007</i>	21a-277
Sec. 3	<i>October 1, 2007</i>	21a-278(a)
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section